

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STEVEN SABERS,	:	APPEAL NO. C-110131
	:	TRIAL NO. A-1000306
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DONALD KLUENER	:	
	:	
and	:	
	:	
JUDY KLUENER,	:	
	:	
Defendants-Appellees.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

Plaintiff-appellant Steven Sabers appeals the summary judgment entered by the Hamilton County Court of Common Pleas in a defamation suit against defendants-appellees Donald Kluener and Judy Kluener.

Sabers is a deputy sheriff and was the president of a homeowners' association in a neighborhood where the Klueners also resided. In an email to members of the association complaining about Sabers, the Klueners stated, "How would you like it if someone released private information about your children?" and "no matter how you feel about someone, like or dislike, you should always do your job in a professional

manner.” According to Sabers, the Klueners had thereby wrongfully accused him of improperly accessing and revealing the criminal record of their son.

In a single assignment of error, Sabers argues that the trial court erred in entering summary judgment in favor of the Klueners.

Under Civ.R. 56(C), a motion for summary judgment may be granted only when no genuine issue of material fact remains to be litigated, the moving party is entitled to judgment as a matter of law, and it appears from the evidence that reasonable minds can come to but one conclusion, and with the evidence construed most strongly in favor of the nonmoving party, that conclusion is adverse to that party. See *State ex rel. Howard v. Ferreri*, 70 Ohio St.3d 587, 589, 1994-Ohio-130, 639 N.E.2d 1189. This court reviews a ruling on summary judgment de novo. *Jorg v. Cincinnati Black United Front*, 153 Ohio App.3d 258, 2003-Ohio-3668, 792 N.E.2d 781, ¶6.

In the case at bar, the trial court correctly entered summary judgment in favor of the Klueners. As the trial court properly held, neither statement was defamatory on its face and therefore did not constitute defamation per se. See *Moore v. P.W. Pub. Co.* (1965), 3 Ohio St.2d 183, 188-189, 209 N.E.2d 412. And because Sabers did not adduce evidence concerning special damages arising from the statements, he failed to demonstrate defamation per quod. See *Elwert v. Pilot Life Ins. Co.* (1991), 77 Ohio App.3d 529, 541, 602 N.E.2d 1219.

We overrule the assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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**DINKELACKER, P.J., HILDEBRANDT and SUNDERMANN, JJ.**

To the Clerk:

Enter upon the Journal of the Court on October 12, 2011

per order of the Court \_\_\_\_\_.  
Presiding Judge